

State Highway Jurisdictional Transfer Program

Program Overview

The State Highway Jurisdictional Transfer Program's purpose is better serve the public by assigning roads to the jurisdictions best suited to effectively and efficiently operate them. For example, a road of low priority on the state system is typically given higher priority on the county system. Occasionally the opposite is true; the public is better served when a road under local jurisdiction is transferred to the state system. State jurisdiction of a road may be transferred to a county or city and it becomes part of the state aid system. Such transfers typically include funding for improvement, or repairs to the road prior to transfer.

Program Origin and Guidance

Minnesota's State Constitution Article XIV¹ established a state (trunk) highway route system that may not exceed 12,200 miles in extent. State highway routes are authorized by general description in article XIV of the constitution and by additional statutes. All routes are described in Minnesota Statutes 161.114 through 161.12². Throughout the nearly 100 year history of the state highway system, it has been necessary to continually revise the state and local highway systems to meet the state's highway changing transportation needs.

Among the statutory duties and powers of the state commissioner of transportation are guidance and authority to select suitable roads for the state system; to transfer roads between state and local units of government; and to enter into agreements with local government. The commissioner uses these powers when local elected officials approve of proposed transfers or when directed by statute or law.

Funding

Minnesota's constitution also established the Highway Users Tax Distribution Fund consisting of the proceeds of taxes on motor vehicles and motor fuel.

Minnesota Statutes 161.081³ establishes funding for repair of former state highways that have transferred to counties or to statutory or home rule charter cities or that are repaired and subsequently transferred to a local road authority.

¹ https://www.revisor.leg.state.mn.us/constitution/#article_14

² <https://www.revisor.mn.gov/statutes/?id=161>

³ <https://www.revisor.mn.gov/statutes/?id=161.081>



Minnesota Statutes 161.082⁴ and 161.083⁵ require transferred state highways to be designated as state aid routes to be eligible for funding provided for by MS 161.081.

Minnesota Statutes 161.081, Subdivision 3⁶ created the Flexible Highway Account; that is 53.5 percent of 5 percent of the Highway Users Tax Distribution Fund (2.68 percent of the total HUTDF). Projects eligible for these funds are included in a six year spending plan. If there is a time when there is no need to funds jurisdictional transfer projects, the funds may be used for routes of regional significance or safety improvements on county highways, municipal highways, streets or town roads as specified by the statute.

Flexible Highway Account Funds are typically divided 50/50 between the state department of transportation's Metropolitan District and Greater Minnesota.

The six year spending plan is presented to the Association of Minnesota Counties and the League of Minnesota Cities every two years. The table below shows a five year history of Flexible Highway Fund amounts and number of projects receiving funds each year. Projects may receive funding in multiple years through stages of development and construction.

| | FY 2012 | FY 2013 | FY 2014 | FY 2015 | FY 2016 |
|---------------------------|----------|----------|----------|----------|----------|
| Total Funds | \$46.6 M | \$48.3 M | \$50.0 M | \$52.0 M | \$54.2 M |
| Number of Projects | 8 | 12 | 11 | 16 | 13 |

Total Funds Data source: Commissioner's Order⁷, 2012-2016

For More Information

Contact Cyrus Knutson, Program Manager at cyrus.knutson@state.mn.us or 651-234-7769.

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⁴ <https://www.revisor.mn.gov/statutes/?id=161.082>

⁵ <https://www.revisor.mn.gov/statutes/?id=161.083>

⁶ <https://www.revisor.mn.gov/statutes/?id=161.081>

⁷ <http://www.dot.state.mn.us/safinance/commorder/apportionments.html>

